

**BID OPENING**

June 8, 2004-Updating the Electrical Service at 1740 Two Rod Road  
4:30 p.m.

HDE Electric, Inc. 5841 Seneca St. Elma, NY 14059	\$ 7,995.00
Marilla Electric 12906 Williston Rd. East Aurora, New York 14052	\$ 3,699.00
CIR Electrical 2750 Kenmore Ave. Tonawanda, New York 14150	\$ 7,400.00

---

Regular Meeting  
June 10, 2004

A regular meeting of the Marilla Town Board was held June 10, 2004 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

Absent: John Foss, Supervisor  
Fred Specht, Councilman / Deputy Supervisor  
Barbara Spanitz, Councilman  
George Gertz, Councilman  
Warren Handley, Councilman

Deputy Supervisor Specht called the meeting to order and the Pledge of Allegiance to the Flag was given.

**Communications**

1. A donation of \$50 was received from the Porterville Home Bureau thanking the Town for the use of the Community Center.
2. Senator Dale Volker acknowledged receipt of the Town's resolution opposing the proposal to remit to the city, town or village only those penalties or fines collected in association with the "original" charge or violation, he agreed that the fiscal impact on municipal budgets and improper interference in the local court system is undeniable.

**Committee Reports**

Highway Superintendent Dave Pierce reported that roadsides have been mowed. He reported that he had received in writing that East Avenue would be done over this year to the Town's specifications after which we will take the road back, except for the bridge. He also stated that Three Rod Road is going to be done eventually, he had talked to Rick Reed from Erie County Highway as well as Dale Larson, they have assured me this is going to be done by the original contractor not the County.

Councilman Spanitz reported that there will be a Sesqui-centennial meeting on Monday, June 14<sup>th</sup>.

Councilman Gertz reported that the County is having a household hazardous waste material drop off day on June 19<sup>th</sup> from 9:00 a.m. to 2:00 p.m. at Erie Community College South Campus.

Councilman Handley reported that the Pavilion will be having their next concert on June 13<sup>th</sup> at 2:00 p.m. the performer will be Glen Colton. Mr. Colton's program will be

“America the Beautiful” and is geared toward children and families and anyone who is patriotic, it is an interactive performance. He thanked everyone who participated with the Memorial Day Ceremony, we had a great turn out especially for the weather that we had and he wanted to thank the Kiwanis for preparing and serving the hotdogs and drinks.

Deputy Supervisor Specht reported that after passing the resolution the Town Hall will be closed tomorrow, Friday June 11<sup>th</sup> in honor of the passing of former President Ronald Reagan. He stated that the Fire Service Award list is complete, when we receive the bill we will send out the check. He stated that Town Assessor Kandace Wittmeyer informed him that the Town’s equalization rate dropped from 58% to 57%, there is a process to appeal this in Albany but he feels it’s not worth the argument we will probably have to live with the 57%.

### **Open Board Presentations From the Public**

None

### **Old Business**

Motion: Councilman Handley moved, seconded by Councilman Spanitz to approve Minutes from the Regular Meetings held on 5/13/04. Motion Carried.

### **New Business**

Motion: Councilman Gertz moved, seconded by Councilman Handley to accept Marilla Electric, located at 12906 Williston Road, East Aurora, NY 14052 as the low bidder for updating the Electric Service at the Town Hall at a cost of \$3699. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to approve the following resolution:

WHEREAS, the Town of Marilla has enacted a Local Law Regulating Unsafe Buildings and Property in the Town of Marilla (the “Unsafe Building and Property Law”) which law has been filed with the Secretary of State; and

WHEREAS, the Enforcement Officer of the Town of Marilla has notified the Town Board of the existence of an Unsafe Property with Solid Waste on premises owned by Henry Jaskolski located at 11902 Clinton Street, Marilla, New York and submitted a report to the Town Board as required under Sections 4 and 5 of the Unsafe Building and Property Law; and

WHEREAS, the Town Board has reviewed the report and the evidence submitted with such report and has determined that the premises at 11902 Clinton Street is in violation of the provisions of the Unsafe Building and Property Law.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

1. The Town Board determines that the premises located at 11902 Clinton Street violates the provisions of the Unsafe Building and Property Law in that the premises at the above address is in a state of severe neglect. The front yard of the premises is heavily littered with non-descriptive items, constituting Solid Waste under Section 4 (f) of the Unsafe Buildings and Property Law of the Town of Marilla from lot line to lot line, encouraging rodents to inhabit the premises. Further, untamed vegetation and brush is overtaking the premises.
2. That a hearing be held before the Town Board on July 6, 2004 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York at which time Henry Jaskolski, the owner of the premises at 11902 Clinton Street will be given the opportunity to appear in person and provide

evidence that the premises is not in violation of the provisions of the Unsafe Building and Property Law.

3. The Enforcement Officer of the Town is directed to serve Notice to Property Owner of the alleged violation of the Unsafe Building and Property Law at least fifteen (15) business days prior to the hearing date, in form as required under the Unsafe Building and Property Law and in accordance with the directions of the Town Board.

4. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Spanitz – Aye

Councilman Gertz – Aye

Councilman Handley – Aye

Deputy Supervisor Specht – Aye

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Gertz to approve the following resolution:

WHEREAS, the Town of Marilla has enacted a local law prohibiting peddling and soliciting on public property within the right-of-way of any road, street or highway during prohibited periods, which law is codified as Chapter 149 of the Code of the Town of Marilla; and

WHEREAS, the Code provides that the Town Board annually establish by resolution specific dates and periods of times during which peddling and soliciting is prohibited for that particular year

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

Section 1. The Town Board does hereby determine that peddling and soliciting shall be prohibited within the right-of-way or any road, street or highway during the period beginning at 12:01 a.m. on July 25, 2004 and ending at midnight on August 1, 2004.

Section 2. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Spanitz – Aye

Councilman Gertz – Aye

Councilman Handley – Aye

Deputy Supervisor Specht - Aye

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to authorize the Town Attorney Nathan Neill and Supervisor John Foss to attend GFOA Conference on July 19<sup>th</sup> in Lockport, NY at a cost of \$160 for both. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to amend the agenda to add another item. Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Gertz to close the Town Hall of the Town of Marilla tomorrow, June 11<sup>th</sup> in honor of the passing of former President Ronald Reagan. Motion Carried.

### Report of Town Officials

Town Engineer Marie Nowak reported that she attended a South Town Water Consortium Meeting last Friday. The area included in this water district would include areas in Marilla (southeast portion), Wales and Aurora. A representative from the County and Erie County Water Authority also attended, the County wants this to be a regional district, it will be an all or nothing deal, no area can drop out. Jeff Smith was hired to help with financing, Rural Development is giving out less and less grant

money. Preliminary costs projections are about thirteen million with 2 pumps and three tanks and water lines, they may have each town apply to Rural Development separately, depending on how it works out best. They are looking at having a project slide presentation for residents of each town before the end of summer.

Building Inspector John Fronczek submitted a written report with 14 building applications received totaling fees of \$1,1650.00 building permits issued with a value of \$492,000, 20 inspections were made, and 2 complaints were acted on. A total of 184 acts of official business were made for the month of May. One Zoning Board application was received with a fee of \$125.

Planning Board minutes were received and posted, their next meeting will be held on Thursday, June 17<sup>th</sup> at 7:30 p.m.

Conservation Advisory Board minutes have been received and posted.

Marilla Fire Company representative Leonard Blizniak reported that the Fire Company is offering to residents reflective address markers with a mounting post, installed for \$15. It makes finding house numbers in emergency situations much easier. He also stated that he had posters for the Sesqui-centennial for anyone interested in displaying them.

Open Board Presentations

Resident and Planning Board Member Judy Gillman stated that she was proud to be a part of the Memorial Day Celebration.

All claims have been previously reviewed by Councilman Handley and Councilman Gertz.

Motion: Councilman Handley moved, seconded by Councilman Gertz to approve the claims as follows:

General Fund Claims, Vouchers 224-281	\$	24,124.29
Highway Fund Claims, Vouchers 97-109	\$	2,964.18
Special Districts		
Sanitation (SR), Vouchers 59-66	\$	6,110.71
Special Fire, Voucher 6	\$	15,135.89
Water District #2, Vouchers 10-13	\$	2,898.86
Water District #3, Vouchers 5-6	\$	4,515.94
Water District #4, Voucher 5	\$	789.34
Community Development PACE	\$	.00
Community Develop. HUD	\$	.00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to adjourn the meeting at 8:01 p.m. Motion Carried.

Respectfully Submitted,

Town Clerk

Supervisor

Councilman

Councilman

Councilman

Councilman